

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

RENEE GIFFIN,

Plaintiff,

v.

Case No. 2:10-CV-144

JUDGE SARGUS

MAGISTRATE JUDGE KING

PROVIDER SERVICES,

INC., et al.,

Defendants.

ORDER

On March 15, 2011, this Court granted Summary Judgment in favor of the Defendants on Counts I, II, and III. The Plaintiff has amended her complaint and included the same claims as Counts I, II, and III as appeared in the earlier iteration. The Plaintiff indicates in her Memorandum in Opposition to the Defendants' Motion to Dismiss (Doc. 72) that these claims have been reasserted in order to preserve later appeal. On this basis, this Court grants the motion to dismiss Counts I, II, and III of the amended complaint, provided that nothing in this Order is intended to affect any appellate rights of the parties.

Additionally, the Court finds that the Defendants' motion to strike Plaintiff's request for emotional harm and punitive damages well taken. The only remaining claim arises under the Family and Medical Leave Act, 29 U.S.C. § 2617. Damages recoverable upon a showing of violations of this statute are limited to wage or benefit losses, interest, attorneys' fees, and expenses and costs. *Id.*; *Brumbalough v. Camelot Care Ctrs., Inc.*, 427 F.3d 996, 1008 (6th Cir. 2005).

For these reasons, the Court finds that emotional harm and punitive damages are not recoverable in this case.

Also presently before the Court is the Plaintiff's Motion to File Instanter (Doc. 101), which the Court grants. The Plaintiff may file a response to the Defendants' instructions and verdict form, and her statement that she had no response regarding case specific instructions is deemed withdrawn.

**IT IS SO ORDERED**

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**DATED**

12-14-2011

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**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**